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7
8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEVADA**

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11 In re:

12 USA COMMERCIAL MORTGAGE
COMPANY,

13 USA CAPITAL REALTY ADVISORS, LLC,

14 USA CAPITAL DIVERSIFIED TRUST
15 DEED FUND, LLC,

16 USA CAPITAL FIRST TRUST DEED
17 FUND, LLC, and

18 USA SECURITIES, LLC,

19 Debtors.
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Case No. BK-S 06-10725-LBR
Case No. BK-S 06-10726-LBR (closed)
Case No. BK-S 06-10727-LBR
Case No. BK-S 06-10728-LBR (closed)
Case No. BK-S 06-10729-LBR (closed)

CHAPTER 11

Jointly Administered under Case No.
BK-S-06-10725-LBR

**SUMMARY OF MEETINGS BETWEEN
MATTHEW Q. CALLISTER, ESQ.,
MATTHEW P. PAWLOWSKI, ESQ.
AND CURTIS CLARK, REGARDING
EXPRESSION OF CLARK'S
DISPLEASURE WITH COURT
PROCEEDINGS**

23 COMES NOW, Attorney MATTHEW Q. CALLISTER, ESQ. and CURTIS F. CLARK,
24 creditor in the above-captioned Chapter 11 cases being jointly administered under Case No. BK-S-
25 06-10725-LBR, by and through his attorney of record, Matthew Q. Callister, Esq., of the law firm of
26 Callister + Associates, LLC, and hereby respectfully submits the following Summary of Meetings
27 Between Matthew Q. Callister, Esq., Matthew P. Pawlowski, Esq. And Curtis Clark, Regarding
28 Expression of Clark's Displeasure with Court Proceedings, in compliance with this Court's Orders

1 of June 3, 2009 and December 22, 2009, as follows:

2 Curtis Clark met with both Matthew Q. Callister, Esq. and Matthew P. Pawlowski, Esq., at
3 the offices of Callister + Associates, LLC, on both June 4, 2009 and again on or about June 18, 2009,
4 in order to discuss what steps Mr. Clark may be interested in or that he could possibly pursue, in
5 order to express his displeasure both with the proceedings in the USA Commercial Mortgage case, as
6 well as his displeasure with the Bankruptcy system in general. These meetings were set in
7 furtherance of this Court's Order of June 3, 2009, whereby Mr. Clark was to submit a report
8 indicating what steps he has taken to express his displeasure with the USA cases and the system in
9 general.

10 Specifically, the Order read:

11 Status Report on Mr. Clark's Concerns. By July 1, 2009, Mr. Clark is
12 to file a report indicating what steps he has taken to express his
13 displeasure with these cases and with the system in general. The
14 report shall indicate in which forums he has sought to express his
15 concerns, and shall explain what relief he is seeking and what has
occurred, procedurally and substantively, with respect to those
concerns.

16 During the course of these two meetings between Callister, Pawlowski and Clark, and
17 without waiving any attorney-client privilege, several methods of expressing Mr. Clark's displeasure
18 with the USA cases were discussed. Among them were the possibility of filing a writ with the
19 Bankruptcy Appellate Panel, regarding what Mr. Clark believed to be excessive and unjustified
20 expenditures on attorneys and experts in the USA case. It was also discussed whether or not Mr.
21 Clark should challenge any subsequent fee applications of attorneys employed in the USA case,
22 based upon a lack of recovery/futility of efforts. However, each of these courses of action would
23 have required Mr. Clark to retain counsel and significantly litigate these issues. Unfortunately, Mr.
24 Clark was unable to financially reconcile the significant expenses associated with such courses of
25 action, and thus neither was pursued.

26 It was also discussed between these individuals whether or not Mr. Clark could petition or
27 otherwise lobby with various politicians and/or governing bodies for changes or amendments to the
28 bankruptcy code, specifically those sections which relate to compensation of both attorneys and hired

professionals. After significant debate, it was the consensus of these individuals that, while Mr. Clark certainly could lobby Nevada Senators and members of Congress to propose such changes, both locally and possibly in Washington, D.C., the fact remained that such efforts would not ultimately lead to any change or amendment to the course of action and dealings in the instant matter. As the proceedings of the instant case are the direct concern of Mr. Clark, rather than the entirety of the bankruptcy system in general, proposing changes to the bankruptcy code at any level would not quell his personal concerns or frustrations. As a result, these proposed methods of expression were not utilized.

Ultimately, while these meetings certainly did provide a forum for Mr. Clark to receive instruction on proper court demeanor and the most basic of bankruptcy procedure, specifically relating to the USA cases, it was ultimately determined that, short of significant expenditures on attorney's fees, which Mr. Clark is and was unable to reconcile, there was little chance of effectively or adequately expressing his concerns with the USA cases, as consolidated. As a result, it was mutually decided between the three individuals that Mr. Clark no longer desired to take further action to express his concerns with the USA cases.

Both Curtis Clark and Matthew Q. Callister, Esq. are happy to supplement this synopsis (in camera, if necessary, to preserve the attorney-client privilege), should this Honorable Court desire and Order the same.

DATED this 12 day of December, 2009.

CALLISTER + ASSOCIATES, LLC.

By /s/ Matthew Q. Callister, Esq.
MATTHEW Q. CALLISTER, ESQ.
 Nevada Bar No. 001396
 823 Las Vegas Blvd. South, Fifth Floor
 Las Vegas, Nevada 89101
Attorney for Curtis Clark

CERTIFICATE OF SERVICE

1. On December 22, 2009 I served the following document(s):

**SUMMARY OF MEETINGS BETWEEN MATTHEW Q. CALLISTER, ESQ.,
MATTHEW P. PAWLOWSKI, ESQ. AND CURTIS CLARK, REGARDING EXPRESSION
OF CLARK'S DISPLEASURE WITH COURT PROCEEDINGS.**

2. I served the above-named document(s) by the following means to the persons as listed below:

x a. ECF System as listed below:

ROB CHARLES on behalf of Attorney LEWIS AND ROCA LLP
rcharles@lrlaw.com, cjordan@lrlaw.com

USTPRegion17.lv.ecf@usdoj.gov
U.S. Trustee - LV - 11

x b. United States Mail, first-class postage fully prepaid and addressed as follows:
(See Mailing Matrix attached hereto as Exhibit 1)

☐ c. Personal Service *(List persons and addresses)*
I personally delivered the document(s) to the persons at these addresses:

☐ d. By Direct email *(as opposed to through ECF System)*
(List persons and email addresses. Attach additional paper if necessary)

☐ e. By facsimile transmission *(List persons and fax numbers)*

☐ f. By messenger *(List persons and address)*

DATED: December 23, 2009

Nikki L. Ramsey

/s/ Nikki L. Ramsey

An employee of
CALLISTER + ASSOCIATES, LLC.